REMARKS

Claims 1, 3-8 and 10-14 remain pending in the application.

The Applicant respectfully requests that the Examiner reconsider earlier rejections in light of the following amendments and remarks. No new issues are raised nor is further search required as a result of the changes and remarks made herein. Entry of the Amendment is respectfully requested.

Claims 1, 3-8 and 10-14 over Nortel in view of KIV-7

In the Office Action, claims 1, 3-8 and 10-14 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nortel article *Securing Voice across the Internet* ("Nortel") in view of *L-3 Communications' OMNI Secure Terminal Receives National Security Agency – NSA Certification* ("L-3"). The Applicant respectfully traverses the rejection.

Claims 1, 3-8 and 10-14 recite, *inter alia*, a system and method of establishing a **second data tunnel** over a non-secure public data network to transmit an <u>encapsulated Type 1 encrypted data stream</u>.

Nortel appears to teach a Nortel Networks advertisement for their Contivity technology that secures VoIP communications. (see Application Overview) Contivity apparently relies on establishing a Virtual Private Network (VPN) tunnel between remote and head-quarters-based sites. (see Nortel, Page 2)

Thus, Nortel teaches the formation of a **single** tunnel to provide secure communications for data communications. Nortel fails to disclose, teach or suggest a **second data tunnel**, much less a **second data tunnel** over a non-secure public data network to transmit an <u>encapsulated Type 1 encrypted data stream</u>, as required by claims 1, 3-8 and 10-14.

L-3 appears to teach an L-3 Communications advertisement for their OMNI secure terminal that provides secure communications for voice and data. (see page 1) The OMNI secure terminal provides improved secure communications when used in conjunction with a STU-III over a telephone line. (see page 6, STU-III Replacement section)

L-3 discloses an OMNI secure terminal that provides a <u>dedicated connection</u> over an **analog phone line**. Thus, L-3 <u>teaches away</u> from <u>shared communications</u>, such as the claimed <u>non-secure public data network</u> and the formation of <u>data tunnels</u>. L-3 fails to teach or suggest a **single** tunnel to provide secure communications, much less disclose, teach or suggest a **second data tunnel**, or a **second data tunnel** over a non-secure public data network to transmit an <u>encapsulated Type 1 encrypted data stream</u>, as claimed.

Nortel and L-3, either alone or in combination, fail to disclose, teach or suggest a system and method of establishing a **second data tunnel** over a non-secure public data network to transmit an <u>encapsulated Type 1 encrypted data stream</u>, as recited by claims 1, 3-8 and 10-14.

Accordingly, for at least all the above reasons, claims 1, 3-8 and 10-14 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and/or rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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